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CRIME VICTIMS UNIT

ANNUAL REPORT FY 1989

Montana Board of Crime Control

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STATE OF MONTANA
DEPARTMENT OF JUSTICE
BOARD OF CRIME CONTROL

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The Crime Victims Compensation Act of Montana provides compensation and assistance to innocent victims who are injured or killed as a direct result of the criminal acts of others. Benefits may be paid for medical treatment, wage loss compensation and funeral costs.

From July 1, 1988 to June 30, 1989 (FY89), 346 claims were filed. Benefits were awarded to 201 persons and denied to 114. The average payment was $1,200.82. The average time to process a claim was 54 days.

The total program cost was $343,865.42, 85% for benefits, 15% for administration. Justice of the peace court fines were 94% of state funding. Restitution from offenders and subrogation was also received, as well as federal funds. No tax dollars were used for the program.

Claimants were equally represented by sex, 173 males, 173 females. Almost half, 172, of the victims were under age 18 and 59 of these were age 5 and under. The majority of crimes, 202 incidents, occurred in the victim's home, the offender's home or the victim's/offender's home. Sexual assault and incest accounted for 147 of the crimes.

The 51st Legislature made several amendments to the Statute. Medical reports and insurance records may be obtained without an authorization if the Division has made a reasonable effort to get an authorization. The definition of criminally injurious conduct was amended to include use of a motor vehicle only when the vehicle is intentionally used to inflict injury or death. The money in the Crime Victims Fund was restricted solely for the benefit of innocent victims. The one year limit on payment of benefits to secondary victims was eliminated.

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CRIME VICTIMS UNIT
CRIME CONTROL DIVISION
STATE OF MONTANA
ANNUAL REPORT FY89

FILE INFORMATION

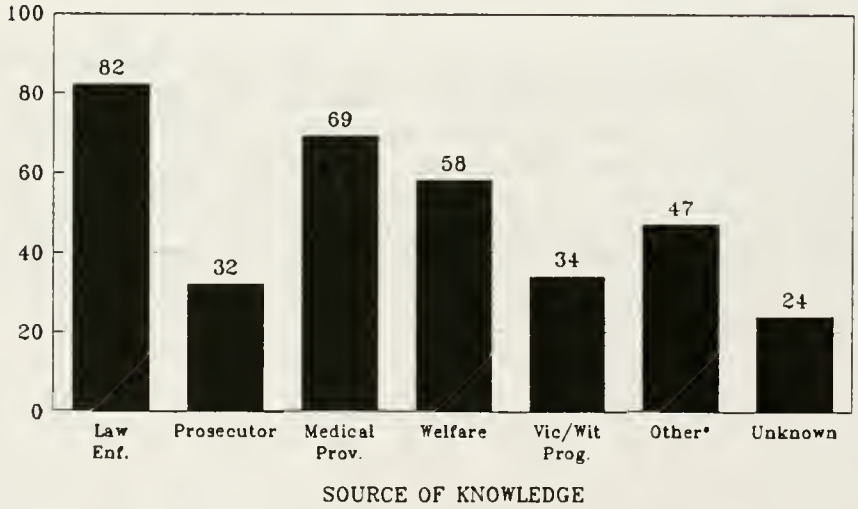
Claims	346	
Received on FY88 files	12	
Received on FY89 files		334
Additional contacts FY89		80
Files Created		414

		AWARDS	DENIED
FY88	claims held over	29+	17
FY88	claims received FY89	7	5
FY89	claims	165*	92
	TOTAL	201	114

(+ 3 FY88 claims reduced for contribution, 3 male, 0 female)
(* 6 FY89 claims reduced for contribution, 4 male, 2 female)

Average time from receipt of claim to decision on 269 claims: 54 days
Average time on 46 claims held over: 62 days

VICTIMS SOURCE OF KNOWLEDGE
ABOUT THE PROGRAM
FY89



*Other: Judge (1) Relative/friend (20)
Attorney (8) Funeral Home (10) Other (8)

COMPENSATION PAID FY89

Medical expense	$185,984.82
Mental Health Counseling	56,354.03
Mental Health Counseling (secondary victims)	1,959.00
Wage loss	19,763.56
Funeral	24,465.00
Employable but unemployed	1,000.61
Claimant attorney fee	-0-
C.V.U. legal & costs	1,071.78*

Claims Cost $290,598.80

*Subrogation Cost $1,041.78--Witness Fees $30.00

ADMINISTRATION	$ 53,266.62
TOTAL	$343,865.42

Average payment on all open claims (242 claims)	$1,200.82
Average administrative cost per file (586 files)	77.39

CASH BALANCE END OF FY89		$281,156
INCOME		
16.9% of 50% of Justice of Peace Fines	$419,487	
Restitution	21,045	
Subrogation	4,583	
Federal Grant	136,000	
		$581,115
TOTAL CASH AVAILABLE		$862,271
EXPENSES		
Claims	$290,599	
Administration	53,267	
		$343,866
CASH BALANCE END OF FY89		$518,405
CONTINGENT LIABILITIES		
Reserves for claims to be paid		$92,052
	TOTAL	$92,052

FILE INFORMATION

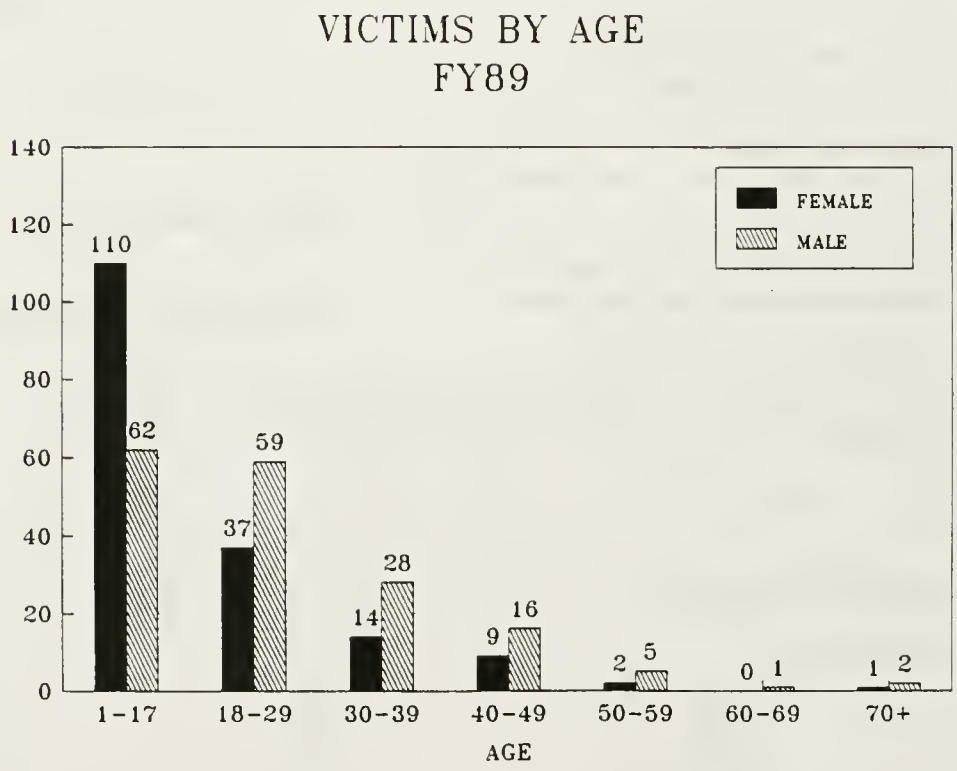
OPEN FILES	PRIOR FYS	FY88	FY89	TOTAL
Ongoing payments	7+	5	49	61
Pending decision			77	77
Pending receipt of claim			68	68
CLOSED FILES				
With payment		26	88	114
With payment (award prior FY)	12*	48		60
Reopen for addition payment	15^	11		26
Collateral Source Paid		18	28	46
No claim filed within one year		31	12	43
Didn't wish to file		1		1
DENIED				
Non-cooperation		2	21	23
Prior to effective date			2	2
Not reported in 72 hours		1	12	13
Live with/relative of offender		1	1	2
100% contribution		2	15	17
Property loss			1	1
No preponderance of evidence victim qualifies		3	16	19
Traffic			1	1
Claim filed after 1 year		6	4	10
Crime occurred out of state			1	1
Claimant was offender			1	1
Claimant was not victim		5	5	
No response from claimant		6	12	18
Claimant serving sentence of imprisonment		1	1	
Total denied		22	92	114
TOTAL DISPOSITIONS	34	162	414	610

Footnotes:

+	*	^
FY81 - 1	FY83 - 1	FY84 - 3
FY82 - 2	FY85 - 1	FY85 - 2
FY84 - 1	FY86 - 2	FY86 - 2
FY85 - 1	FY87 - 8	FY87 - 8
FY87 - 2		

VICTIM

		Average Age	Youngest-Oldest
Female	173	16	1 - 83
Male	173	23	1 - 74
	346		

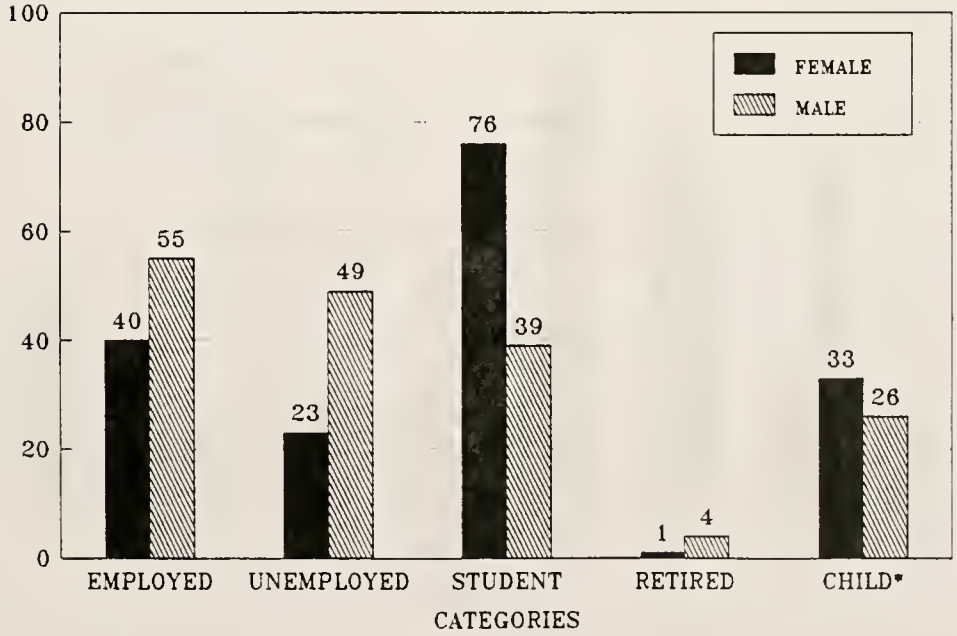


EMPLOYMENT STATUS

	Female	Male	Total
Employed	40	55	95
Unemployed	23	49	72
Student	76	39	115
Retired	1	4	5
Child *	33	26	59
Total	173	173	346

*Age 5 and under

EMPLOYMENT STATUS
FY89

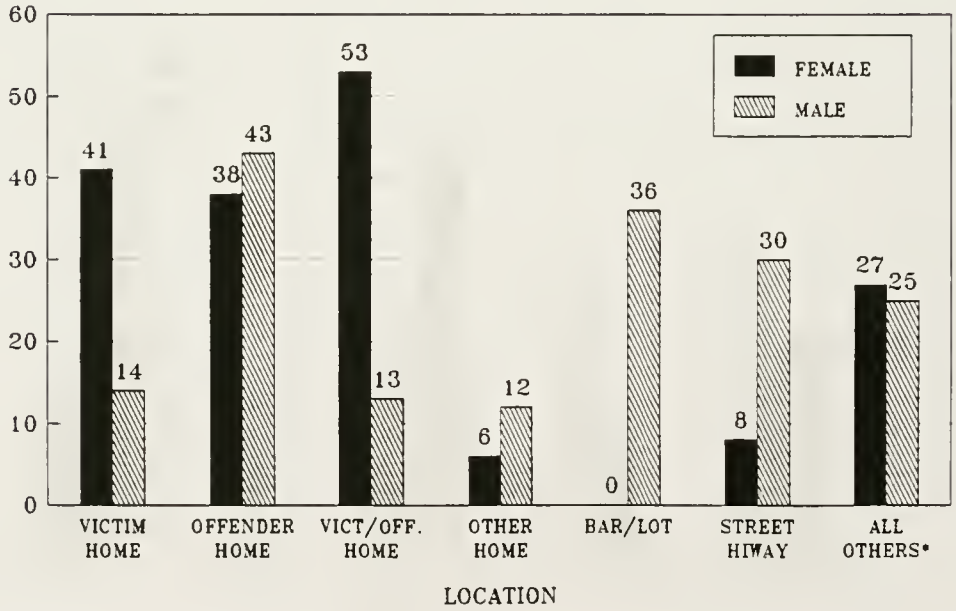


*Age 5 and under

LOCATION OF CRIME

	Female	Male	Total
Victim's Home	41	14	55
Offender's Home	38	43	81
Victim's & Offender's Home	53	13	66
Other Home	6	12	18
Victim Work	5	2	7
Street/Alley/Lot	7	27	34
Highway	1	3	4
Public Business	6	9	15
Field/Park	11	11	22
Bar/Lot	Ø	36	36
Out of State	Ø	1	1
Other	5	2	7
TOTAL	173	173	346

LOCATION OF CRIME
FY89

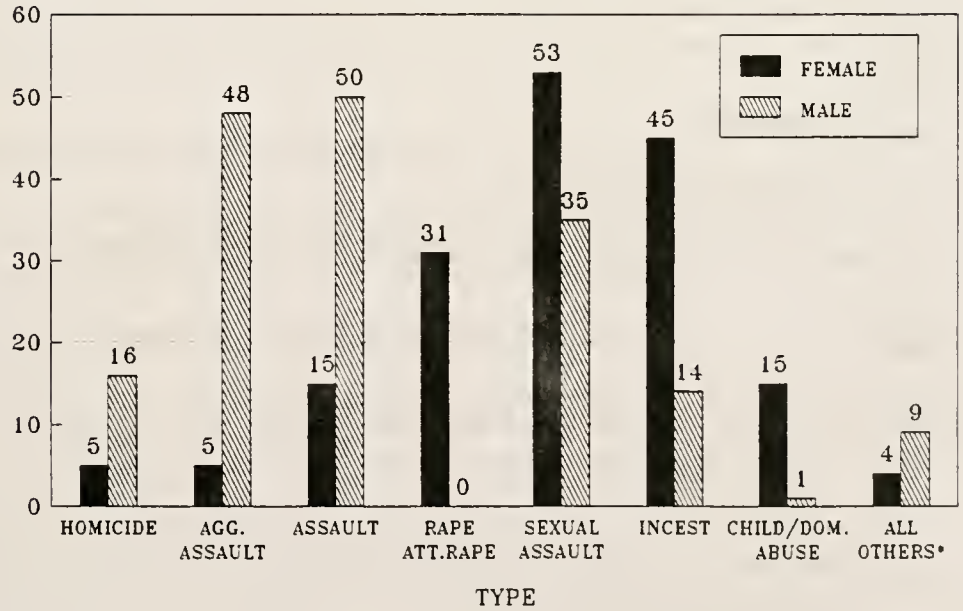


*ALL OTHERS: Public Business, Out of State, Victims Work, Field/Park, Other

TYPE OF CRIME	Female	Male	Total
Homicide	5	16	21
Aggravated Assault	5	48	53
Assault	15	50	65
Rape	29	0	29
Attempted Rape	2	0	2
Sexual Assault	53	35	88
Incest	45	14	59
Strong Arm Robbery	2	1	3
Child Abuse	2	1	3
Domestic Abuse	13	0	13
All Others*	2	8	10
TOTAL	173	173	346

	F	M
*Att. Hom.	1	0
Theft	0	1
Traffic	0	1
No Crime	1	6

TYPE OF CRIME
FY89



*ALL OTHERS: Att.Hom., Theft, Traffic, Strong arm rob., No crime

SECONDARY VICTIMS

Effective October 1, 1987, benefits for mental health counseling for certain family members of a homicide victim or a sexually abused minor may be paid. The mental health benefit is limited to $500.00 per person; $1,500.00 per family and must be required because of the crime committed against the primary victim.

Number of incidents giving to a secondary claim	13
Number of claims from all incidents	25

Types of Crimes:

	Homicide	Sexual Assault	Incest
Female	5	8	5
Male	6	1	0

TOTAL 25

AGE OF SECONDARY VICTIMS

	0-17	18-29	30's	Total
Female	5	4	9	18
Male	6	0	1	7

FILE INFORMATION

Pending from FY88 6

	Awards	Denied
Female	13	5
Male	8	2
TOTAL	21	7

Pending decision end of FY89 3

Reason Denied

No Preponderance of Evidence Secondary Victim Qualifies	4
Prior to Effective Date	1
No Charges Brought	1
Unjust Benefit to Offender	1

Benefits Awarded - Medical Expense $406.00 - Funeral Expense $2,000

The victim, a male age 41, was sitting in a local bar. The offender came in and had a friendly conversation with the victim. The offender pulled a revolver, shot and killed the victim. The offender pled guilty.

Benefits Awarded - Medical Expense $5,274.13

The victim, a female age 22, was walking down the street when the offender blocked her way with his vehicle. The offender pointed a gun at the victim and ordered her into his car. The victim tried to escape but was beaten by the offender and eventually forced into his vehicle where she was beaten again and raped. The offender was convicted. The victim had no insurance to pay for the medical expenses. Treatment is continuing with mental health counseling.

Benefits Awarded - Medical Expense $4,579.00

The victim, a male age 42, was having an oral disagreement with his wife in the bar. The offender struck the victim in the back of the head with a bar glass and kicked him several times while he was on the floor. The offender was arrested and charged.

Benefits Awarded - Medical Expense $200.30

The victim, a female age 5, was molested by the teenage son of the babysitter. The offender confessed to molesting this victim and three others. The parents had insurance which paid part of the mental health counseling costs. Treatment is continuing.

Benefits Awarded - Medical Expense $32.20

The victim, a male age 29, was on a cross-country bike trip with a large group. Two unknown offenders attacked him while he was sleeping in his sleeping bag. His medical insurance paid part of the expenses.

Benefits Awarded - Medical Expense $90.57

The victim, a male age 6, was lured away into the bushes by a 17-year old offender and raped. The offender was convicted and sent to Pine Hills. The parent's medical insurance paid part of the expenses.

Benefits Awarded - Victim #1 Medical Expenses $14,524.83
Victim #2 Medical Expenses $ 434.52

Victim #1, a male age 48, was sitting at the dining room table where his wife, Victim #2 age 36, and her ex-husband were discussing visitation for the children. The offender, for some unknown reason, stabbed victim #1 and also slashed victim #2. The offender pled guilty.

Benefits Awarded - Medical Expenses $781.00

The victim, a female age 42, was in her home when an ex-boyfriend broke in and assaulted her. The victim had ended the relationship about two months previously. The offender was apprehended not far from the scene. As part of a plea agreement, he was ordered to make restitution on the victim's expenses.

Benefits Awarded - Funeral Expense $2,000.00

The victim, a male age 23, was at his girlfriend's house. The offender was the girlfriend's ex-husband. The victim answered the door to tell the offender that his ex-wife did not want to see him. The offender fatally shot the victim and then killed himself.

Benefits Awarded - Medical Expenses $-0-

The victim age 83, was found in her home. The offenders had broken into her home to rob her. She was also assaulted. The offenders pled guilty and were sent to prison. The victim was unable to care for herself after the assault and resides in a nursing home. Insurance paid the expenses.

Benefits Awarded - Medical Expenses $18,008.43 - Funeral - $2,000.00

The father of the victim, a male age 4, filed a claim. The victim died as a result of being struck by the mother's live-in boyfriend.

Benefits Awarded - $25,000.00

The victim, a male age 29, was having an argument with his wife outside a bar. The offender walked by them and went up the street. The offender then turned around, walked back and punched the victim in the face. The victim struck his head on the pavement when he fell which caused severe head injuries. The offender pled guilty. The maximum amount allowed by the statute was paid but the victim had at least $10,500.00 more in medical bills.

Benefits Denied - The claimant contributed 100% to his own injuries.

The victim, a male age 32, left the bar with a female friend. The female's ex-husband had been having an oral disagreement with her and had called her several names. The claimant and his friend were at their vehicle across the street getting ready to leave, when the claimant decided he had had enough and walked back to the bar to confront the offender in response to the offender's challenge to fight. The offender struck the victim breaking his jaw.

Benefits Denied - No criminally injurious conduct occurred, the injuries were caused by the use of a vehicle as described in Title 61.

The victim, a male age 52, stepped into the street in front of a car. The driver of the car did not see the claimant.

Benefits Denied - No preponderance of evidence that criminally injurious conduct occurred.

The claimant, a male age 49, alleged on his claim form that the last thing that he could remember was leaving the bus depot for a 20-minute layover. The next thing he remembered was being in the hospital. The investigation by law enforcement revealed that the claimant was seen four blocks from the hospital and was not injured but had been drinking heavily. He had been put off the bus because of his intoxication and had been injured when he fell down a hill.

Benefits Denied - No criminally injurious conduct had occurred and payment could not be made for non-bodily damage.

The victim, a male age 40, had gone to pick up his wife. Someone stole a chain saw from the back of his pick-up. Benefits could not be paid since the victim suffered no bodily injury only property loss.

Benefits Denied - Incident occurred prior to effective date of statute.

The victim, a female age 32, filed a claim for sexual abuse which had occurred in 1962 when she was 5 years old. Benefits were denied since an award can only be made for incidents which occurred on or after January 1, 1978. In addition, this incident had never been reported to law enforcement.

Benefits Denied - No criminally injurious conduct occurred since the conduct causing the injuries occurred in another state.

The victim, a male age 10, was molested by an older male friend in Wyoming and again in New Mexico when the victim was 13. Benefits were denied since the incident did not occur in this state. The victim's parents were referred to the compensation programs in the other states.

Benefits Denied - The claimant did not cooperate with law enforcement.

The victim, a male age 24, stated four or five men jumped him, beat him up, and stole his wallet. The victim was so intoxicated he could not give a statement to law enforcement. He was told to contact the police department when he sobered up to give a statement, but he did not.